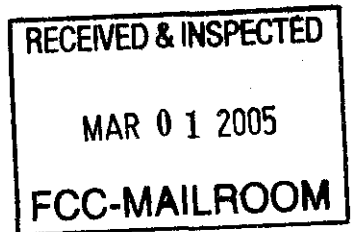


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)

Petition of US LEC Corp.)

For Declaratory Ruling Regarding)

LEC Access Charges for CMRS Traffic)

CC Docket No. 01-92

ORDER

Adopted: February 28, 2005

Released: February 28, 2005

By the Chief, Pricing Policy Division:

1. On September 18, 2002, US LEC Corp. (US LEC) filed a petition requesting that the Commission enter a declaratory ruling reaffirming that local exchange carriers (LECs) are entitled to recover access charges for interexchange traffic that passes from commercial mobile radio service (CMRS) providers to interexchange carriers via the network of the LEC.¹ On August 2, 2004, US LEC filed a request to withdraw its petition.² In this order, we grant US LEC's withdrawal request and dismiss the petition.

2. Accordingly, IT IS ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291 that US LEC's request to withdraw the above-captioned petition for declaratory ruling IS GRANTED.

3. IT IS FURTHER ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the above-captioned petition for declaratory ruling IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss
Chief, Pricing Policy Division
Wireline Competition Bureau

¹See US LEC Corp. Petition for Declaratory Ruling Regarding LEC Access Charges For CMRS Traffic, CC Docket No. 01-29, at 1 (filed Sept. 18, 2002). The Commission incorporated the petition into a pre-existing rulemaking proceeding. See *Comment Sought on Petitions for Declaratory Ruling Regarding Intercarrier Compensation for Wireless Traffic*, CC Docket No. 01-92, Public Notice, 17 FCC Rcd 19046 (2002).

²See Letter from Richard M. Rindler, Counsel to US LEC Corp., to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 01-92 (filed Aug. 2, 2004).